

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
HUNTINGTON DIVISION**

**JOLINDA HOWARD**

**Plaintiff,**

**v.**

**Civil Action No. 3:12-cv-7312**

**TARGET CORPORATION,**

**Defendant.**

**NOTICE OF REMOVAL**

1. This civil action was commenced on June 13, 2012, against Defendant, Target Corporation, in the Circuit Court of Cabell County, West Virginia, being Civil Action No. 12-C-382.

2. Service was accepted on behalf of Target Corporation by the West Virginia Secretary of State's Office on October 4, 2012.

3. The Complaint arises from an alleged injury which occurred on or about June 14, 2010, at the Target store located in Barboursville, West Virginia. Plaintiff, Jolinda Howard, alleges that while shopping in the Defendant's store, she slipped and fell in coffee and/or other liquids on the floor. Plaintiff alleges that Target Corporation is negligent in that a dangerous and unsafe condition existed on its premises which Defendant knew, or should have known, existed and which proximately caused the plaintiff to fall, resulting in her injuries. Target Corporation denies the aforementioned allegations.

4. Plaintiff alleges that she sustained injuries of a "severe and permanent nature to her body in general, and, more particularly, to her right leg." (Complaint at ¶5). Plaintiff further

alleges that she “will continue to suffer great pain of body and mind, her future enjoyment of life has been and will be permanently impaired, and she has incurred and will continue to incur great mental anguish.” (See id.)

5. Upon information and belief, Plaintiff allegedly sustained a significant orthopedic injury for which she is seeing an orthopedic surgeon.

6. Upon information and belief, Plaintiff seeks recovery of the following damages:

- a. Expenses for treatment rendered by her primary treating physician;
- b. Expenses for numerous radiology studies of right knee and ankle, including MRI;
- c. Expenses associated with treatment rendered by an orthopedic surgeon;
- d. Medications;
- e. Past medical expenses;
- f. Future medical expenses; and
- g. Attorneys fees.

5. Plaintiff, Jolinda Howard, is a citizen of the Commonwealth of Kentucky. Defendant, Target Corporation, is a foreign corporation with its principal place of business located in Minnesota.

6. This Court has original jurisdiction over this Civil Action under the provisions of 28 U.S.C. §1332, and said civil action is one that may be removed to this Court by the Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446. Defendant Target Corporation states that although it will dispute on the merits that the Plaintiff is entitled to any recovery, the Complaint and this Notice of Removal demonstrate that for the above mentioned reasons, the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00) exclusive of costs and interest, and is between citizens of different states.

7. Copies of all process, pleadings and orders served upon Target Corporation by Plaintiff in this action, which are comprised of the Cabell County Circuit Court Docket Sheet, the Summons, and Complaint, are attached hereto and identified herein as Exhibits A, B and C, respectively.

8. A copy of this Notice of Removal is being filed simultaneously herewith in the Circuit Court of Cabell County, West Virginia.

9. A copy of this Notice of Removal is also being served on counsel for the Plaintiff as reflected in the attached Certificate of Service.

Dated this 2<sup>nd</sup> day of November, 2012.

**TARGET CORPORATION**  
**By counsel,**

/s/ Rita Massie Biser

Rita Massie Biser (WVSB # 7195)

Alicia A. Deligne (WVSB #10343)

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**CERTIFICATE OF SERVICE**

I, Rita Massie Biser, counsel for Defendant Target Corporation hereby certify that on this 2<sup>nd</sup> day of November, 2012, the foregoing **NOTICE OF REMOVAL** has been electronically filed with the Clerk of the Court using the CM/ECF system. I further certify that I served a true copy of the foregoing upon counsel of record as indicated below by mailing a true copy thereof via the United States mail, in a postage paid envelope:

John F. Cyrus, Esquire  
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636 Fourth Avenue  
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*Counsel for Plaintiff*

/s/ Rita Massie Biser  
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